REMARKS

Claims 1-24 are pending in the above-identified application. Claims 1-24 were rejected. With this Response, no claims are amended, added or canceled. Accordingly, claims 1-24 remain at issue.

Many of the remarks herein include arguments that were included in the Response After Final filed August 26, 2005. Though the Examiner has issued new grounds for rejection, those grounds include a reference previously cited. However, the present Official Action does not answer Applicants' arguments with respect to this reference that was previously cited. "Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." MPEP § 707.07(f). Applicants respectfully request that any further communication fully answer Applicants' arguments.

I.   35 U.S.C. § 103 Obviousness Rejection of Claims

In the Office Action dated March 8, 2005, the Examiner stated that claims 1-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bunnell* (U.S. Patent No. 6,119,122), and further in view of *Velonis et al.* (U.S. Patent No. 6,772,408, hereinafter "*Velonis*"). Applicants respectfully traverse this rejection.

The combination of *Bunnell* and *Velonis* fails to teach or suggest every limitation of claim 1, which recites, *inter alia*, "modifying one or more state attributes associated with said nodes to control merging and updating of layers to a resulting layered hierarchical database in response to said client request." Claims 6, 11, and 16 recite similar limitations. The Examiner contends yet again that this limitation is taught by *Bunnell* at col. 6, lines 7-10, which states "the structure of the distributed directory is governed by a schema. The schema defines the rules for

adding and managing objects and attributes of objects in the distributed memory." Applicants

provided an argument against the Examiner's contention in the Response After Final filed

August 26, 2005. Instead of answering the material traversed, the Examiner contends that

Applicants' argument is moot in view of the new grounds of rejection. However, the grounds are

not entirely new: the Examiner still relies on *Bunnell* to teach the above limitation, a contention

that Applicants have previously traversed. Applicants submit again that the Examiner's

contention is erroneous, and below reiterate why *Bunnell* does not teach or suggest the limitation

recited above.

First, *Bunnell* fails to teach modifying a "state attribute," contrary to the Examiner's

allegation. In the response to Applicants' arguments, the Examiner asserts that "Applicant did

not explicitly defines [sic] the state attribute in any special way other than the formal way known

in the database environment" (page 6 of the Official Action). Applicants respectfully submit that

this assertion is plainly false. The "state attribute" is described in the specification as having, for

example, "information relating to the last operation that was performed on its corresponding data

element" (page 14, lines 18-19 of the original application). While limitations may not be read

into the claims from the specification, the claims are given their broadest **reasonable**

interpretation **in light of the specification**. *In re Marosi*, 710 F.2d 799, 802 218 USPQ 289, 292

(Fed. Cir. 1983) (Emphasis added). The specification clearly exemplifies that the state attribute,

for example, has information relating to the last operation performed on a corresponding data

element. *Bunnell* gives examples of various attributes, but fails to disclose anything that could

be reasonably construed as relating to the last operation performed on a corresponding data

element (See, for example, Figure 1 of *Bunnell*). At least because *Velonis* is also silent as to this

limitation, Applicants respectfully submit that claim 1 is patentable over the combination *Bunnell* and *Velonis* for at least this reason.

Second, *Bunnell* fails to teach modifying attributes "to control merging and updating of layers," contrary to the allegations of the Examiner. The portion of *Bunnell* cited in support of the Examiner's allegation, col. 6, lines 7-10, says nothing of modifying attributes to control merging and updating of layers. In accordance with an embodiment of methods and systems consistent with the present invention, state attributes provide information on the kind of operation, if any, that was last performed on a data element. In one embodiment, this information facilitates the merging and updating of layers in a hierarchical database (See page 9, lines 11-20 of the original application). The combination of *Bunnell* and *Velonis* clearly lacks any suggestion of this feature.

Furthermore, the combination of *Bunnell* and *Velonis* fails to teach or suggest "managing said nodes using said state attributes, wherein each one of said state attributes comprises an eXtensible Markup Language (XML) format attribute." The Examiner, no longer relying on *Morgenstern*, now alleges that *Velonis* discloses the use of XML at col. 6, lines 45-54. According to the Examiner, "It would have been obvious to the ordinary skilled artisan at the time of the invention to use the XML of Morgenstren [sic] in Bunnell by using XML. The ordinary skilled artisan would have been motivated to make such modification in order to extend and eventually supersede HTML . . ." Applicants respectfully submit that the Examiner's reasoning is fallacious, and that there is no motivation to make the modification proposed by the Examiner.

The HTML as disclosed in *Bunnell* relates to display, not state attributes. The only mention of HTML by *Bunnell* refers to a user interface 70 presented as an applet within an HTML document and displayed with an HTML browser, at col. 10, lines 46-55. The HTML document and HTML browser are used for display (See Fig. 5; col. 10, lines 48-49). Nowhere in *Bunnell* does it state that the "attributes" as cited by the Examiner in rejecting the claims are HTML attributes. As such, the Examiner's stated motivation to "extend and eventually supersede HTML" combined with *Bunnell* would not teach or suggest "state attributes compris[ing] an eXtensible Markup Language (XML) format attribute." The combination of *Bunnell* and *Velonis*, using the Examiner's reasoning, would only teach or suggest a user interface that is displayed using XML rather than HTML, and that is clearly not what Applicants are claiming.

Moreover, *Velonis* does not teach or suggest what the Examiner is asserting. The cited portion of *Velonis* merely states:

> In addition, the source software component 220 may be rendered as XML and the user event 312 may comprise an XML Linking Language (Xlink) link to the second SP 215. The first SP 210 and the second SP 215 may comprise JAVA Server Pages, JAVA servlets, other Hypertext transfer Protocol (HTTP) server plugins, Common Gateway Interface (CGI) programs, or the like. The user events 312 may be implemented as JAVA Bean events.

Nowhere in that passage does *Velonis* disclose a state attribute that comprises an XML format attribute, or even an XML format attribute of any kind. An "Xlink" cannot be construed as an XML format attribute.

Thus, Applicants respectfully submit that the features recited by claim 1 are neither suggested nor disclosed by either *Bunnell* or *Velonis* individually, nor by any reasonable

combination thereof. Therefore, *prima facie* obviousness has not been established, and Applicants respectfully request that the rejection of claim 1 be withdrawn. With respect to claims 2-5, these claims depend from claim 1, and are therefore patentable at least for the same reasons.

For reasons stated above with respect to claim 1, Applicants submit that the rejection of independent claims 6, 11 and 16 should be withdrawn. With respect to claims 7-10, 12-15, 17-20, and 21-24, these claims depend from claims 6, 11, and 16 respectively, and are therefore patentable at least for the same reasons.

Moreover, Applicants specifically traverse the rejection of dependent claims 3, 8, 13, and 18. Again, this argument was made in the Response After Final filed August 26, 2005, and has gone answered in the present Office Action. Applicants remind the Examiner that *Bunnell* is not a new ground for rejection.

Claims 3, 8, 13, and 18 recite that "each one of said state attributes includes a value of one of default, replaced, modified, and deleted, indicating a last action taken on a corresponding data element." The Examiner contends that this limitation is taught by *Bunnell*, and cites col. 7, lines 37-39, which reads, "The server keeps a time stamp for each value of each attribute of each entry, identifying when and where that value was last modified." Clearly, a time stamp of when and where a value was last modified does not have a value of one of default, replaced, modified, or deleted, since none of those values indicate a time or place. Further, that time stamp does not indicate the *type* of last action (as previously enumerated) (See col. 7, lines 30-43 of *Bunnell*). The Examiner further cites col. 9, lines 39-55 of *Bunnell*, however that portion provides no additional support for the Examiner's assertions. *Bunnell* says nothing of attributes that have one

of the values enumerated in the claim, nor does *Bunnell* teach that those values indicate an action taken on a data element. Thus, claim 3, 8, 13, and 18 are patentable over *Bunnell* and *Velonis* also for these reasons.

II. Conclusion

In view of the above amendments and remarks, Applicants submits that all claims are allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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